

Recorded at
3:30 P.M.
in open Court
10-5-06
Mary A. Johnson
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12560-RGS

DAVID DEITZEL

v.

SPRINGFIELD TERMINAL RAILWAY COMPANY

SPECIAL VERDICT QUESTIONS FOR THE JURY

October 5, 2006

STEARNS, D.J.

FEDERAL EMPLOYER'S LIABILITY ACT

Q.1. Was Springfield Terminal Railway Company negligent in maintaining the switch at its Nashua, New Hampshire Yard on March 12, 2001?

A.1. Yes ☒

No ☐

If your answer to Q.1 is "Yes," please answer Q.2. If your answer to Q.1 is "No," you have reached a verdict.

Q.2. Did any such negligence by Springfield Terminal Railway Company play any part in causing injury to David Deitzel?

A.2. Yes ☒

No ☐

If your answer to Q.2 is "Yes," please answer Q.3. If your answer to Q.2 is "No," you have reached a verdict.

Q.3. Was David Deitzel contributorily negligent on March 12, 2001?

A.3. Yes ☒

No ☐

If your answer to Q.3 is "Yes," please answer Q.4. If the answer is "No," please answer Q.6.

Q.4. Did any such negligence by David Deitzel play any part in causing his injuries?

A.4. Yes ✓

No _____

If your answer to Q.4 is "Yes," please answer Q.5., and then answer Q.6. If your answer to Q.4. is "No," please answer Q.6.

Q.5. Assuming total negligence equals 100%, what percentage of that negligence do you attribute to:

A.5. Springfield Terminal Railway Company 70 %

David Deitzel 30 %

Total Must Equal 100% %

Please answer Q.6.

INSTRUCTIONS FOR Q. 6

If you have answered Q.2 "Yes," please answer Q.5 without regard to any answers you may have given to Qs.3 and/or Q.4. and/or Q.5.

Q.6. What amount of money will fairly and reasonably compensate David Deitzel for his injury and damages, including pain and suffering and loss of past and future earnings?

A.6. Nine hundred twenty five thousand nine hundred Sixty (Dollars)
(Amount in Words)

\$ 1,322,800.00 - 30% = \$ 925,960.00
(Amount in Figures)

I certify that the foregoing answer(s) is (are) the unanimous answer(s) of the jury.

George L. Kindray
Foreperson

Dated: